

A. INTRODUCTION

Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impact; and
- There are no reasonable alternatives to the proposed actions that would meet the purpose and need for the actions, eliminate the impact, and not cause other or similar significant adverse impacts.

As described in Chapter 21, “Mitigation,” a number of the potential impacts identified for the proposed project could be mitigated. However, as described below, in some cases, impacts from the proposed project would not be fully mitigated.

B. SCHOOLS**ELEMENTARY SCHOOLS**

~~The proposed project would construct a new public elementary school (grades kindergarten through fifth) of approximately 86,608 square feet on a portion of Parcel 10, subject to approvals and requirements of the School Construction Authority (SCA). This school would increase the elementary school capacity of Sub-district 2/CSD 12 by 500 seats and would accommodate all project-generated demand for elementary school seats. With the development of the proposed public elementary school on Parcel 10, the proposed project would introduce more new capacity than elementary school students. As a result, the proposed project would decrease the elementary school utilization rate by approximately four percentage points. Therefore, because the proposed action would not increase elementary school utilization rate, the proposed project would not result in a significant adverse impact on elementary schools in the study area. Should Parcel 10 not be developed with the proposed elementary school, significant adverse impacts to elementary schools would result.~~

~~The applicant, Phipps Houses, is in discussions with SCA and will continue to work with SCA to determine appropriate terms for the proposed 500-seat elementary school; these terms will be formalized in a Letter of Intent (LOI). The applicant is in discussions with the New York City School Construction Authority (SCA) and will continue to work with SCA to determine appropriate terms for the proposed 500-seat elementary school; these terms will be formalized in a Letter of Intent (LOI).~~

INTERMEDIATE SCHOOLS

~~As discussed in Chapter 4, “Community Facilities,” and Chapter 21, “Mitigation,” the proposed project would result in a significant adverse impact on intermediate schools.~~

~~Potential mitigation measures for the proposed action's impacts on intermediate school enrollment could include administrative actions undertaken by DOE, such as shifting the boundaries of school catchment areas within the CSD to move students to schools with available capacity, or creating new satellite facilities in less crowded schools. SCA and DOE could also commit to monitoring conditions in the district and address future needs in the Capital Plan as appropriate. Absent the implementation of measures by SCA or DOE, the proposed project would result in an unmitigated significant adverse impact on intermediate school seat demand if projections prove correct.~~

C. SHADOWS

As discussed in Chapter 6, "Shadows," and Chapter 21, "Mitigation," the shadow study concluded that new project-generated shadows would be cast on the east façade windows of the Beck Memorial Presbyterian Church, adjacent to Parcel 3 at 980 East 180th Street. The church has been determined eligible for listing on the National Register of Historic Places.

The church's east façade windows would receive between two and a quarter and four and a half hours of incremental shadow in the mornings, depending on the season. At times, the new shadow would eliminate the remaining sunlight from the east windows of the church. Therefore, given the substantial extent and duration of incremental shadows, the analysis identified that the proposed project could cause significant adverse shadow impacts to the windows, if they are uncovered by shutters and viewable from within a public space in the church interior.

Site visits in late 2015 and early 2016 found the structure to be boarded up with plywood and locked, and all its windows sheathed in metal. Additional research found that services are no longer held in the building; that the building has been boarded up and locked for at least four years; and that the windows were covered up because of the building's generally unsafe condition. No information is currently available regarding plans to re-open or make building repairs in the near future or by the 2029 build year for the proposed project. Therefore, since no mitigation measures can be identified at this time to address the potential shadows impact, ~~Should plans become available for the re-opening of the church between DEIS and FEIS, mitigation measures will be explored at that time through consultation with the New York City Landmarks Preservation Commission (LPC) and the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). Otherwise, the impact would remain unmitigated.~~

The shadow study also concluded that River Park, adjacent to Parcels 1, 3 and 5 of the Development Site, would receive approximately six hours of new shadows in the mid-day and afternoons of the fall, winter and early spring, and the use of the park during these times could consequently be significantly impacted. In the late spring and summer, new shadows on River Park would be more limited in duration and extent but would still be substantial in the final hour of the analysis day and would cause significant adverse impacts in those seasons. As noted in Chapter 21, "Mitigation," no measures to mitigate this impact were identified will be explored between publication of the DEIS and FEIS; if no measures are identified that could mitigate this impact, and the impact would remain unmitigated.

D. TRANSPORTATION

As discussed in Chapter 12, "Transportation," and Chapter 21, "Mitigation," the significant adverse vehicular traffic impacts at the intersections of East Tremont Avenue and Boston

Road/West Farms Road, East Tremont Avenue and Devoe Avenue/East 177th Street, East 177th Street and Sheridan Expressway, East 178th Street and Boston Road, and East 180th Street and Boston Road could not be fully mitigated during one or more analysis peak hours. *